

NAKAMURA *et al.*  
Serial No.: 09/809,038

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a second p-type clad layer comprising a p-type nitride semiconductor containing aluminum and gallium, said second p-type clad layer having a larger band gap than said first p-type clad layer, and said second p-type clad layer being provided over said first p-type clad layer.

#### REMARKS

Upon entry of this amendment, Claims 63-71 are pending. By the present amendment, Claims 1-62 have been canceled, and new Claims 63-71, corresponding to previously allowed Claims 19, 21, 23, 49, 62, 64, 67, 68 and 71 from parent application Serial No. 09/069,240 have been allowed.

The instant application is a continuation application based on U.S. Patent Application Serial No. 09/069,240 (hereinafter "the parent application"). Claims 19, 21, 23, 49, 62, 64, 67, 68 and 71 (as amended) in the parent application were allowed, and were the subject of a Notice of Allowance dated December 18, 2000. However, new prior art was uncovered after the Notice of Allowance was issued in the parent application. In order to have these references considered by the Examiner, the instant continuation application was filed together with an Information Disclosure Statement and PTO Form 1449.

The instant application has been amended to reflect the allowed claims of the parent application. In this connection, the only claims remaining in the instant

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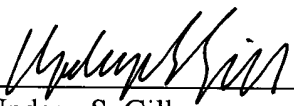
application are Claims 63-71 which correspond to previously allowed Claims 19, 21, 23, 49, 62, 64, 67, 68 and 71, respectively.

Accordingly, all of the pending claims are in condition for allowance. Favorable reconsideration of the application in view of the newly presented prior art, and prompt allowance of the claims are earnestly solicited.

Should the Examiner deem that further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

  
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